

**SUPREME COURT OF CALIFORNIA
ORAL ARGUMENT CALENDAR
SPECIAL SESSION—REDDING
OCTOBER 5, 2005**

FIRST AMENDED

The following cases are placed upon the calendar of the Supreme Court for a special session at the Redding City Hall, Council Chambers, 777 Cypress Avenue, Redding, California on October 5, 2005.

WEDNESDAY, OCTOBER 5, 2005—9:00 A.M.

Opening Remarks: Historic Special Session

- (1) S121009 People v. R. J. Reynolds Tobacco (*Bedsworth, J., assigned justice pro tempore.*)
- (2) S123074 People v. Smith (Jarmaal) (*Boren, J., assigned justice pro tempore.*)
- (3) S040703 People v. Robinson (James) [*Automatic Appeal*] (*Corrigan, J., assigned justice pro tempore.*)

2:00 P.M.

- (4) S118561 Kinsman v. Unocal Corp. (*Cornell, J., assigned justice pro tempore.*)
- (5) S117590 Barratt American v. City of Rancho Cucamonga (*Coffee, J., assigned justice pro tempore.*)

GEORGE
Chief Justice

If exhibits are to be transmitted to this court, counsel must comply with rule 18(c) of the California Rules of Court.

(over)

**SUPREME COURT OF CALIFORNIA
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The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

WEDNESDAY, OCTOBER 5, 2005—9:00 A.M.

(1) People v. R. J. Reynolds Tobacco, S121009 (Bedsworth, J., assigned justice pro tempore.)

#04-08 People v. R. J. Reynolds Tobacco, S121009. (B160571; 112 Cal.App.4th 1377; Superior Court of Los Angeles County; KC036109.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case includes the following issue: Does the federal Cigarette Labeling and Advertising Act (15 U.S.C. § 1331 et seq.), by preempting any state requirement or prohibition “based on smoking and health . . . with respect to the advertising or promotion of any cigarettes” (15 U.S.C. § 1334(b)), thereby preempt Health and Safety Code section 118950, which prohibits the distribution of free cigarettes on public property except in specified, limited circumstances?

(2) People v. Smith (Jarmaal), S123074 (Boren, J., assigned justice pro tempore.)

#04-46 People v. Smith (Jarmaal), S123074. (C042876; 115 Cal.App.4th 567; Superior Court of Sacramento County; 00F01948.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. This case presents the following issue: Was defendant properly convicted of two counts of attempted murder for firing a single shot toward two victims on the theory that both

victims were within the so-called “kill zone” at the time of the shooting? (See *People v. Bland* (2002) 28 Cal.4th 313.)

(3) *People v. Robinson (James)*, S040703 [Automatic Appeal] (Corrigan, J., assigned justice pro tempore.)

This matter is an automatic appeal from a judgment of death.

2:00 P.M.

(4) *Kinsman v. Unocal Corp.*, S118561 (Cornell, J., assigned justice pro tempore.)

#03-132 *Kinsman v. Unocal Corp.*, S118561. (A093424; 110 Cal.App.4th 826; Superior Court of San Francisco County; 308646.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case includes the following issue: Is a landowner’s liability under *Rowland v. Christian* (1968) 69 Cal.2d 108 with respect to a concealed hazardous condition on its property limited by the principles of *Privette v. Superior Court* (1993) 5 Cal.4th 689 and its progeny where the concealed condition allegedly causes injury to an employee of an independent contractor hired by the landowner?

(5) *Barratt American v. City of Rancho Cucamonga*, S117590 (Coffee, J., assigned justice pro tempore.)

#03-124 *Barratt American v. City of Rancho Cucamonga*, S117590. (E032578; 109 Cal.App.4th 709; Superior Court of San Bernardino County; RCV063382.) Petition for review after the Court of Appeal affirmed the judgment in a proceeding for writ of administrative mandate. This case includes the following issues:

(1) What remedies are available when a local government imposes building permit and plan review fees in excess of the amount permitted under the provisions of the Mitigation Fee Act (Gov. Code, §§ 66000–66024)? (2) In this case, are all of petitioner’s claims barred by the 120-day statute of limitations set forth in Government Code section 66022?